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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

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8 JOANNA FERGUSON, et al.,

2:08-CV-31 JCM (GWF)

9 Plaintiffs,

10 v.

11 CLARK COUNTY SCHOOL
12 DISTRICT, et al.,

13 Defendants.
14

15 **ORDER**

16 Presently before the court is plaintiffs' motion seeking reconsideration of this court's order
17 granting partial summary judgment. (Doc. #84). Defendants filed a response (doc. #85) to which
18 the plaintiffs have replied (doc. #87).

19 On March 5, 2012, pursuant to the ruling in *Orr v. Bank of America*, 285, F. 3d 764 (9th Cir.
20 1996), this court granted summary judgment in light of plaintiffs' failure to properly authenticate the
21 documentation provided in their opposition to the motion for summary judgment. Plaintiffs have
22 now authenticated their evidence and seek an opportunity to establish that a genuine issue of material
23 fact exists such that summary judgment is improper.

24 This court has "inherent power" to reconsider an order over which it maintains jurisdiction.
25 *See City of Los Angeles, Harbor Div. v. Santa Monica Baykeeper*, 254 F.3d 882, 887 (9th Cir. 2001);
26 *see also Marconnie Wireless Tel. Co. v. United States*, 320 U.S. 1, 47 (1943); FED. R. CIV. P. 60.
27 This court prefers issuing rulings on the merits, rather than technicalities. *See Mendoza v. Wight*
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1 *Vineyard Mgmt.*, 783 F.2d 941, 945 (9th Cir. 1986). In this case, the plaintiffs have presented the
2 court with authenticated evidence which will enable them to dispute material issues of fact and
3 should therefore be heard.

4 Good cause appearing,

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiffs' motion seeking
6 reconsideration (doc. #84) be, and the same hereby is, GRANTED.

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that this court's previous order
8 granting partial summary judgment (doc. #83) be, and the same hereby is, VACATED and the case
9 re-opened.

10 DATED May 31, 2012.

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13 **UNITED STATES DISTRICT JUDGE**